

WASHINGTON – The House of Representatives unanimously passed a motion last night calling on House-Senate conferees on a key product safety bill to the House definition of “children’s product” as a toy designed for kids aged 12 and under rather than a lower age threshold put forward by the Senate.

The motion offered by U.S. Rep. Mark Kirk comes just hours before House and Senate negotiators are set to face off on H.R. 4040, the Consumer Product Safety Commission (CPSC) Reform Act of 2007. After the House passed the bill 407-0 in December, the Senate took nearly three months before passing a watered-down version that reduced product testing requirements to toys designed for kids up to age seven.

“This is a common-sense, bipartisan issue,” said Kirk, a co-chair of the House U.S.-China Working Group and leader on Chinese import safety issues. “We should not allow toy manufacturers to stop protecting American children once they hit second grade. The Congress should maximize protections for our nation’s children.”

The outcry over tainted Chinese toys touched off last June, when the U.S. Consumer Product Safety Commission and toy company RC2 announced a recall of 1.5 million various Thomas & Friends wooden railway toys because they contained dangerous amounts of lead.

Lead poisoning causes vomiting, diarrhea, convulsions, anemia, loss of appetite, abdominal pain, irritability, fatigue, constipation, difficulty sleeping, headaches and coma. It can even be fatal.

Kirk said he logged on to Etoys.com, a popular Web site for children’s toys, and found 21 products in the Thomas and Friends line targeting children ages 9-12.

“Did our colleagues in the Senate think that dangerous toys coming from China could only harm kids below eight years of age?” Kirk asked. “If so, the Senate would be out of touch and is not listening to the concerns of many American families.”

Kirk also noted that families with multiple children may own toys designed for children ages 8-12, which are then used or ingested by younger siblings.

"I take this action on behalf of Americans like Ryan Fischer, age three, who is now recovering from lead poisoning. The toys of Ryan's eight-year-old brother contained lead but would not be covered under the Senate bill."

On November 6, 2007, Dr. Dana Best testified before Congress on behalf of the American Academy of Pediatrics (AAP). "The AAP further recommended that a children's product be defined as one used by or with children under the age of 12 years in order to provide a standard that protects the most children possible throughout periods of rapid brain development," Dr. Best said. "Children's brains develop rapidly throughout childhood, and significant damage can occur from lead exposure at any point during this time. This provision represents a vital protection for child health."

On May 15, 2008, Linda Ginzel, co-founder of Kids in Danger called on conferees to adopt the House definition of a children's product. "Kids in Danger especially urges the conferees to include a definition of children's products that goes up to age 12," said Ginzel, who lost a child to an unsafe product. "Stopping at age 7 would effectively stop protecting children in second grade!"

Kirk joined with U.S. Rep. Rick Larsen (D-Wash.) in introducing H.R. 3100, the bipartisan Import Safety Act of 2007, to increase penalties for willful violators of federal regulations on imported goods and increase our commitment to overseas inspections by the FDA and the Commission. H.R. 4040 includes provisions to increase penalties for violators.

In August 2007, Kirk and Larsen led a bipartisan delegation to China for intense discussions on product safety, meeting with the Vice Minister Wei at China's General Administration for Quality Supervision, Inspection and Quarantine. After months of intense work with the U.S. Food and Drug Administration (FDA) and the CPSC, the FDA will deploy eight full-time U.S. product safety officers to China later this year, while the CPSC is preparing to send its first full-time American product safety officer to Beijing.